

THE WEATHER FORECAST.
Fair and continued cold to-day; to-
morrow, fair and warmer.
Highest temperature yesterday, 30; lowest, 18.
Detailed weather, mail and marine reports on page 7.

ENTENTE ALLIES REFUSE TO TALK PEACE WITH ENEMIES; TEUTONS ARE TOLD THEY CANNOT POSE AS CONQUERORS; "PROPOSAL WHICH IS EMPTY-AND INSINCERE" SET ASIDE

MISCONDUCT BY SWANN, CHARGE OF DELEHANTY

Retiring Judge Believes
"Deliberate Fraud Prac-
tised on the Court."

WAS ASKED TO FREE 27 LABOR LEADERS

Files Memorandum Asking
Governor to Investigate
District Attorney.

James A. Delehanty, whose term as
Judge of General Sessions expires to-
day, asked Gov. Whitman yesterday to
investigate the conduct of Edward
Swann as District Attorney "to deter-
mine whether a deliberate fraud has not
been practised on the court."
He charges in brief that Mr. Swann
and an assistant District Attorney, John
T. Dooling, have done their utmost to
set free without trial twenty-five men
and two women, mostly labor leaders,
indicted for assault, rioting, attempted
murder or robbery in the series of
garment workers strikes that disturbed
the city in 1914.
Judge Delehanty has filed with the
chief of general sessions a statement
memorandum telling the story of these
cases and what was done about them.
He sent a copy of it to the governor
by registered mail with a letter saying
that in his opinion official action is war-
ranted.
In the memorandum he says the pa-
per clearly indicates that Mr. Swann and
Mr. Dooling "agreed to not dispose of
the cases as to prevent a trial of them
or the punishment of any guilty man."

Motion to Dismiss All.
A motion to dismiss all the indict-
ments had been before Judge Delehanty.
He passed it along to another judge,
saying that Mr. Delehanty may not act
as a judge of cases in which he has
been counsel (as Assistant District At-
torney).
He believes that motion was made be-
cause he says in a statement apart
from the memorandum, "in the expecta-
tion that I would have passed it without
comment to some other judge or that I
would have refused to take the case, thus
cutting off the avenue of information to the public
of what has been done."
The lawyers for the twenty-seven de-
fendants are Max Levine, Tammany
leader of the Eighth Assembly district,
and Abraham Levy, who is or was a
member of the law committee of Tam-
many Hall. Judge Delehanty says that
Mr. Swann and Mr. Dooling agreed with
him for the taking of place of guilty
in eight of the minor defendants.

Upset by Breachkeeping.
This agreement was upset "by the vi-
cious protest" of Lucian S. Breachkeeping,
who had charge of the investigation lead-
ing to the indictments when he was an
assistant under District Attorney Whit-
man, and was retained by Mr. Swann as
special counsel. For the first time Judge
Delehanty makes public the fact that Mr.
Breachkeeping on March 23 last resigned
his commission after telling Mr. Swann
that the proposed acceptance of the eight
pleas "is a travesty on justice and an
outrage on decency."
Thereafter, says Judge Delehanty, an
arrangement was made to dismiss all the
cases on a recommendation presented to
another General Sessions Judge, the
hall of all the twenty-seven defendants
was discharged and they are now at
large.
"This recommendation was filed," says
Judge Delehanty, "without any real in-
vestigation of the cases and without hear-
ing the witnesses. The result is that
the public and the community have been
deceived and the most vital interests of
the community have been dismissed with-
out being submitted to a petit jury."

Five Witnesses Not Intervened.
He attaches to his memorandum affi-
davit by five witnesses who were to
have testified in these cases and a state-
ment of Detective Clinton W. Wood that
each of these witnesses and nine others
told him that no one of the District At-
torney's office had interviewed or sub-
poenaed them or requested them to call
before the grand jury. These are sub-
mitted to the Governor as pertinent to
the question of Assistant District At-
torney Swann, in his recommendation on
June 4 of this year that bail be dis-
charged, that he was convinced "after
a most rigid and thorough examination
that a conviction could not be had."
Judge Delehanty was himself an As-
sistant District Attorney when Mr.
Whitman was Manhattan prosecutor,
and enjoyed the confidence of his chief
to such a degree that he was acting
for Mr. Swann in the Criminal Court.
By appointment from Gov. Whit-
man he went on the General Sessions
bench a year ago, succeeding Judge
Bennett. Tammany refusing him a
nomination for reelection, Judge Dele-
hanty ran on the Republican and Pro-
tection tickets and was defeated by
Tammany candidate, John F. Mc-
Intyre, by so small a margin that a re-
count is now in progress.

Follows a Case on Wood Case.
On Wednesday last another General
Sessions Judge, who was likewise an
Assistant District Attorney under Mr.
Whitman, Charles A. Nott—denied the
result of Mr. Swann for dismissal of
the thirty indictments against Robert
A. Wood, formerly a Public Service
Commissioner. This case, which has
been compared to the conviction
based by the action taken by Judge

WILSON CALLS AT CAPITOL TO URGE R. BILLS

President Confers With Sen-
ator Newlands on Two
Drastic Measures.

COMMITTEE BEGINS HEARINGS TUESDAY

Compulsory Probe of Dis-
putes and Militarizing
Roads Are Issues.

WASHINGTON, Dec. 30.—Aroused
by the position assumed by the brotherhood
chiefs at their conference with the rail-
road managers regarding the enforce-
ment of the eight-hour law, President
Wilson has decided to put his shoulder
to the legislative wheel and do what he
can to force through Congress the two
measures to which the brotherhoods and
Samuel Gompers stand opposed.

These are the measures calling for a
compulsory investigation of railroad
labor disputes, during which a strike
would be prohibited, and giving the
President the power to take possession
of the railroads and telegraph lines and
draft their employees in case of military
necessity.

On a half holiday the President
paid a visit to the Capitol this after-
noon and proceeded straight to the
rooms of Senator Newlands, chairman
of the Senate Committee on Interstate
Commerce. For half an hour the Presi-
dent and the Senator conferred over the
situation that has arisen.

Senators Are Demanded.
Everybody except Senator Newlands
was dumfounded when the President ap-
peared. All that Chairman Newlands
said was that he was not at home. The
President was as deeply interested in
the proposed legislation as he had ever been
and was very anxious to have it put
through as soon as possible.
Senator Newlands will begin hearings
on the two bills Tuesday. He hopes to
be able to conclude them by Friday and
to report to the Senate afterward.
The President did not see the chair-
man of the House Committee, Judge
Adamson, who is at his home in Georgia.
Senator Newlands said he did not say
what would be the witnesses, except in a
general way. "The railroad brother-
hoods have been notified," said he, "and
the railroads themselves will be heard, and
I suppose that the public, which after
all is most to be considered, will have a say."

Obstacles to Two Measures.
The President's decision to get busy
at once with the leaders in Congress has
aroused great interest in the fate of the
two measures. They will not have clear
sailing. The committee is far from being
unanimous even in support of the
bill to suspend strikes and lockouts.
Senator Cummings, a member of the
committee, said to-day that the bill
would have just one vote in the commit-
tee, that of the chairman, Senator New-
lands, himself. The Senator also ex-
pressed the opinion that a substitute
would come out of the Senate committee,
if anything was reported on the subject,
which would follow the lines of his own
suggestion for public safety, cutting
out the feature for suspension of strike
orders and lockouts temporarily, or that
the committee would adopt Senator New-
lands' suggestion and give the Inter-
state Commerce Commission authority
to fix wages and hours of service just
as they now fix rates.

Newlands Makes Complaint.
Senator Newlands intimated that the
bills to be reported would not differ ma-
terially from the one he has introduced
and which was drawn under the advice
of the Attorney-General and with
administration approval.
The Senator complained again to-day
that there was a persistent purpose to
misrepresent the conditions of the
bill as it appears as a "compulsory arbi-
tration" bill.
"I do not think there is any imme-
diate danger of a strike," said Senator
Newlands. "The public and the legis-
lative mind is intent upon a solution of
this question that will be fair to the im-
mediate parties and the public, the im-
pulse of course being the larger interest."

"NO IMMEDIATE STRIKE"
Brotherhood Chiefs Deny Circular
Was Sent to Railroad Men.
CLEVELAND, Dec. 30.—Warren S. Stone
and W. G. Lee, heads of the Railway
Engineers and Railway Trainmen
brotherhoods respectively, arrived in
Cleveland to-day following the rejection
of the demand by the managers' com-
mittee that the Adamson law be placed
in effect January 1.
"It is highly improbable that there
will be a strike Monday," Stone said.
Lee said "there will be no immediate
strike."
He declared the report that a cir-
cular letter had been sent to railway
employees asking for a renewal of the
authority to call a general strike was
untrue. "No circular has yet been pre-
pared," he said.

TEXT OF ENTENTE GOVERNMENTS' REPLY TO TEUTONIC ALLIES

PARIS, Dec. 30.—The text of the note of the Entente Governments to the Central Powers and their allies replying to the overtures for a peace conference recently proposed is as follows:

The allied Governments of Belgium, France, Great Britain, Italy, Japan, Montenegro, Portugal, Rumania, Russia and Serbia, united for the defence of the liberty of their peoples and faithful to engagements taken not to lay down their arms separately, have resolved to reply collectively to the pretended propositions of peace which were addressed to them on behalf of the enemy Governments through the intermediary of the United States, Spain, Switzerland and Holland.

Before making any reply the Allied Powers desire particularly to protest against the two essential assertions of the notes of the enemy Powers that pretend to throw upon the Allies responsibility for the war and proclaim the victory of the Central Powers.

The allied Governments cannot admit an affirmation doubly inexact and which suffices to render sterile all tentative negotiations.

The allied nations have sustained for thirty months a war they did everything to avoid. They have shown by their acts their attachment to peace. That attachment is as strong to-day as it was in 1914. But it is not upon the word of Germany after the violation of its engagements that the peace broken by her may be based.

A mere suggestion without a statement of terms that negotiations should be opened is not an offer of peace. The putting forward by the Imperial Government of a sham proposal lacking all substance and precision would appear to be less an offer of peace than a war manoeuvre. It is founded on calculated misinterpretation of the character of the struggle in the past, the present and the future.

As for the past, the German note takes no account of the facts, dates and figures which establish that the war was desired, provoked and declared by Germany and Austria-Hungary.

At the Hague conference it was a German delegate who refused all proposals for disarmament. In July, 1914, it was Austria-Hungary who, after having addressed to Serbia an unprecedented ultimatum, declared war upon her in spite of the satisfaction which had at once been accorded.

The Central Empires then rejected all attempts made by the Entente to bring about a pacific solution of a purely local conflict. Great Britain suggested a conference, France proposed an international commission, the Emperor of Russia asked the German Emperor to go to arbitration and Russia and Austria-Hungary came to an understanding on the eve of the conflict. But to all these efforts Germany gave neither answer nor effect.

Belgium was invaded by an empire which had guaranteed her neutrality and which had the assurance to proclaim that treaties were "scraps of paper" and that "necessity knows no law."

At the present moment these sham offers on the part of Germany rest on the war map of Europe alone, which represents nothing more than a superficial and passing phase of the situation and not the real strength of the belligerents. A peace concluded upon these terms would be only to the advantage of the aggressors, who after imagining that they would reach their goal in two months discovered after two years that they could never attain it.

As for the future, the disasters caused by the German declaration of war and the innumerable outrages committed by Germany and her allies against both belligerents and neutrals demand penalties, reparation and guarantees. Germany avoids mention of any of these.

In reality these overtures made by the Central Powers are nothing more than a calculated attempt to influence the future course of the war and to end it by imposing a German peace.

CHURCHMEN TO FIGHT ANY PREMATURE PEACE

Movement Started in Phila-
delphia by Men Prominent
in Religious Work.

PHILADELPHIA, Dec. 30.—Leading
churchmen of the United States led, it is
said, by church authorities of this city,
have launched a movement in opposi-
tion to the acceptance of a premature
peace agreement by the warring nations.
Details of the movement, according to
an announcement by George Wharton
Pepper of this city, a prominent Episcop-
alian minister, will be made public in a
statement to be given out in Wash-
ington to-morrow. The movement is
said to be in the nature of a counter
drive against the pacifist propaganda
conducted by the Church Peace Union,
organized by Andrew Carnegie. The
statement will be signed by churchmen
of various faiths, including several
Bishops, it is said.
The movement was first discussed at
a meeting in the office of Mr. Pepper on
Thursday. A majority of those present
approved the movement and leading
churchmen all over the country were
communicated with by telegraph and tel-
ephone and their signatures to the docu-
ment and their signatures to the docu-
ment were obtained. It will be sent
broadcast over the country, and it is
the expectation of the organizers that
it will gain strength daily.
The main object of the movement is
to call attention to the fact that peace
founded upon expediency would not be
of permanent benefit to the world, said
Wharton. "There are certain great moral
principles involved in the world, and
if it were to end now they would not
be definitely settled."

RIVALS TAKE OATH

Two Men Claim to Be Governor
of Arizona.

PHOENIX, Ariz., Dec. 30.—The Gub-
ernatorial contest in Arizona became more
complicated to-day when both Gov.
George W. P. Hunt, Democrat, and Tom
Campbell, Republican, claimant of the
office through the recent election, took
the oath of office. A recount of the
ballots which gave Campbell a slight
lead is incomplete.
The formal inauguration will take
place Monday morning, Gov. Hunt
term expiring at noon that day.

PRESIDENT HURT GOLFING

Mr. Wilson Falls on a Hill and
Wrenches Ankle.
WASHINGTON, Dec. 30.—President
Wilson fell on a slippery hillside while
playing golf to-day and wrenched his
ankle.
He was able to continue the game, but
walked with a decided limp the rest of
the day.

Collective Reply Declares the Cen- tral Powers' Proposal Is Not a Pa- cific Offer but a War Manoeu- vre Carefully Calculated

ALLIED AIMS SUMMARIZED: PENALTIES AND REPARATION

Foes Accused of Trying to Intimidate Neutral
Public Opinion and to Bolster Up People
at Home in Face of Economic Disaster

PARIS, Dec. 30.—In reply to the proffer of Germany and
her allies for a peace conference the Entente Allies, in a col-
lective note, declare that they "refuse to consider a proposal
which is empty and insincere." The note was handed to the
American Ambassador, William Graves Sharp, to-day by
Premier Briand, and was made public simultaneously in Lon-
don and Paris.

The allied Governments insist that no peace is possible so
long as they have not secured reparation for violated rights
and liberties and the free existence of small States, and have
not brought about a settlement for the future security of the
world. The note declares that the proposal of the Central
Powers is not an offer of peace, but a "war manoeuvre."

It is declared to be founded on "calculated misinterpreta-
tion of the character of the struggle in the past, the present
and the future."

War Aims Not Specifically Outlined.

The note does not specifically outline the definite war
aims of any of the Entente Governments, except Belgium. Be-
fore the war, it is pointed out, Belgium asked for nothing but
to live in harmony with her neighbors. Assailed in spite of
the treaties guaranteeing her inviolability, Belgium, the note
says, has taken up arms to defend her independence and
"her neutrality violated by Germany."

Belgium's aim, which is declared to be the only aim of
her King and Government, is described as "the reestablish-
ment of peace and justice. But they only desire peace which
would assure to their country legitimate reparation, guaran-
tees and safeguards for the future."

The note, which is the joint act of Belgium, France,
Great Britain, Italy, Japan, Montenegro, Portugal, Rumania,
Russia and Serbia, declares that the present strife was de-
sired, provoked and declared by Germany and Austria-Hun-
gary, and that Germany made no effort to bring about a
pacific solution of the trouble between Serbia and Austria-
Hungary, as did Great Britain, France and Russia.

Disadvantage in the Peace Plan.

A peace concluded upon the German idea would be
only to the advantage of the Central Powers, says the note,
while disasters caused by the war demand penalties, repara-
tion and guarantees.

The German overtures are described as a calculated at-
tempt to influence the future course of the war and to end it
by imposing a German peace. The overtures are also said to
have the effect of intimidating neutral public opinion as well
as to stiffen opinion in the Central Powers, "worn out by
economic pressure and crushed by the supreme effort which
has been imposed upon their inhabitants."

"Finally," it is asserted, "these overtures attempt to
justify in advance in the eyes of the world a new series of
crimes—submarine warfare, deportations, forced labor and
forced enlistment of the inhabitants against their own coun-
tries and violations of neutrality."

It is expected some days will elapse before the Entente
Powers will make public their reply to the suggestions of
President Wilson in favor of the reestablishment of peace.

BERLIN LOOKS TO WILSON TO MAKE ALLIES SWITCH

WASHINGTON, Dec. 30.—The Entente's sweeping rejection of the
peace proposals of the Central Powers caused no surprise to President
Wilson or to foreign embassies here. The official text confirms the ac-
curacy of the summaries which came through diplomatic channels yester-
day and were printed in THE SUN to-day.

The last vestige of doubt which either the President or Count von
Bernstorff had as to the hope of the Entente's discussing the peace offers
have been dissipated. The peace proposals of the Central Powers have
brought forward only an elaborate indictment of Germany.

Germany is accused of having expected in response to offers coming
direct from the President and now piling
its faith on President Wilson.
Germany and her allies look now
frankly to President Wilson for keeping
the Teuton proposals alive. A refusal
to discuss peace with Germany does not
necessarily mean a refusal to meet Presi-
dent Wilson's efforts along the same
line, it is pointed out.

The better therefore is expressed
in German diplomatic circles that
the efforts of President Wilson will prove
the saving feature of the Central Pow-
ers' hope for peace. It is stated that
Berlin has already taken up with Am-
bassador Gernot the question of con-
fidentially submitting Germany's terms
to the President in order that the United
States may step into the breach and per-
suade the Entente to give the Central
Powers a more considerate hearing.

It is said that the President's notes
will now be the basis for an outline
of the general subject of peace, and that
results may be forthcoming in the near
future. The peace plan of the Government
is now being discussed in the most
thorough manner. The official opinion, which was

BERNSTORFF HOPEFUL OF AN OPENING WEDGE

Believes Berlin Will Await
Terms Indicated in the
Reply to Wilson.

WASHINGTON, Dec. 30.—After reading
the unofficial text of the note of the
Entente Governments to the Central
Powers Count von Bernstorff, the Ger-
man Ambassador, authorized the follow-
ing statement:
"President Wilson having suggested
the holding of a conference of statesmen,
I do not think that this note will be
answered by my Government until after
the Entente Allies have replied to the
President's suggestion, stating, if they
so desire, the motives they propose."
The German Embassy was outwardly
calmly surprised with the tenor
of the Entente note. However, a
declaration that "a mere suggestion
without a statement of terms that
negotiations should be opened is not an
offer of peace" was taken as such a
sneering invitation to give terms.

MOTHER'S RING TO FAIRBANKS.

Under the will of his mother, Mrs.
Ellis A. Fairbanks, who died December
24, Douglas Fairbanks receives an annu-
ity and diamond ring; his young son, Doug-
las, Jr., an interest in \$1,000, and his
wife \$1. The instrument was filed for
probate yesterday. The residue of the
estate goes to her grandchildren.
Referring to the actor's wife, who was
the daughter of Daniel Sullivan, once known
as the "Gypsy King," Mrs. Fairbanks
stated in her will: "Having no personal
property which my daughter-in-law, Beth
Fairbanks, would appreciate, I give and
bequeath unto her the sum of \$1."

FILIPINOS CANT BE CITIZENS.

U. S. Judge Holds They're Ineligi-
ble for Naturalization.
HONOLULU, Dec. 30.—United States
District Judge Vaughan in a decision
handed down here to-day holds that
Filipinos are ineligible for naturaliza-
tion.
The court contends they are neither
white, or African descent nor native
born.
Aiken—Augusta—Anchorage.
Augusta Special, Dec. 30. P. M. Dray-
ton, room, Stearns, Stearns, Stearns, Stearns,
Dec. 30. P. M. Drayton, room, Stearns,
New York and Augusta, N. Y. Office, 124
Fifth Ave.—Ad.

The unofficial opinion, which was